

There being no other nominations, Messrs. Gage and Moffett were appointed tellers. On the first ballot,

Mr. Mangum received	7 votes ;
" Morrell "	3 "
" Browning "	3 "
" Brown "	1 "
" Gildart "	1 "

No one candidate having received a majority of all the votes, the Senate proceeded to a second ballot, when

Mr. Mangum received	8 votes ;
" Morrell "	3 "
" Browning "	3 "
" Gildart "	1 "

Mr. Mangum, having received a majority of all the votes, was declared duly elected Doorkeeper of the Senate.

The officers elect came forward and took the oath prescribed by the constitution.

A committee of the House informed the Senate that the House was organized, and ready to proceed to business.

On motion of Mr. Cooke, a committee was appointed to inform the House that the Senate was organized, and ready to proceed to business. Messrs. Cooke and Latimer were appointed said committee.

Mr. Van Derlip moved the appointment of a committee to act in conjunction with a like committee on the part of the House of Representatives to wait on the Governor and inform him of the organization of both branches of the Legislature, and of their readiness to receive any communication he might wish to make to them. Carried.

Messrs. Van Derlip and Campbell were appointed said committee, who retired ; and, after a short absence returned, and reported that the Governor would communicate to the Legislature at ten o'clock to-morrow.

On motion of Mr. Kinney, the Senate adjourned until nine o'clock to-morrow.

TUESDAY, November 19, 1850.

The Senate was called to order by the President. The following Senators answered to their names :

Messrs. Brashear, Cooke, Campbell, Gage, Grimes, Hart, Lati-



mer, McRae, Moffett, Parker, Portis, Taylor, Truit, Ward and Wallace.

The journal of yesterday was read and adopted.

Mr. Cooke introduced a bill to authorize and require the Commissioner of the General Landoffice to issue patents to lands surveyed or to be surveyed within the limits of Mercer's and Peters' colonies. Read first time.

Mr. Gage introduced a bill accepting the proposition made by act of the Congress of the United States to the State of Texas, approved September 9, 1850, for the establishment of her northwestern boundary, the relinquishment by her of all territory exterior to said boundaries, &c., &c. Read first time.

Mr. Portis introduced the following resolution :

*Resolved*, That the committee on Finance be instructed to enquire into the expediency of repealing the law for the collection of direct taxes for the State ; and that they report by bill or otherwise. Lost.

Mr. Grimes introduced a bill giving the assent of the State of Texas to the establishment of her boundary, cession of territory and relinquishment of claims. Read first time.

Mr. Wallace introduced a bill to accept the proposition of the United States to purchase a part of the northwestern territory of the State of Texas. Read first time.

A committee from the House of Representatives invited the Senate to meet the House in the Representative Hall at a-quarter past ten o'clock to-day, for the purpose of hearing the Governor's message read.

Mr. Parker offered the following resolution :

*Resolved*, That with the consent of the House of Representatives, the two Houses will convene in the Representative Hall at three o'clock p. m., instant, to count the votes of the people of this State for and against the proposition of the United States to Texas, for the purchase of the northwestern domain of Texas.

On motion of Mr. Parker, the rule was suspended, resolution read, and, on motion of Mr. Gage, laid on the table.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had elected Mr. John G. Smith Engrossing Clerk.

Mr. Portis presented the petition of Lewis Monroe Mayes ; which was on motion of Mr. Portis, referred to the committee on the Judiciary.

On motion of Mr. Parker, the Senate took recess until a-quarter past ten o'clock.



The recess having expired, the Senate was called to order—a quorum present.

On motion of Mr. Gage, the Senate repaired to the Hall of the House of Representatives, for the purpose of hearing the Governor's message read. Roll called—quorum present.

The message of the Governor was read, and is as follows :

EXECUTIVE DEPARTMENT, {  
Austin, November 18, 1850. }

*To the Honorable, the*

*Senate and House of Representatives :*

GENTLEMEN : — An event which was no doubt anticipated by you at the time of your recent adjournment, and which has since been officially communicated to me as the Executive of the State, has rendered it necessary for me to assemble you again in extraordinary session. And in greeting you once more as the representatives of the people, I have much pleasure in congratulating you on the improved auspices under which we meet for the tranquility and peace of the State, and the amicable adjustment of all matters of difference which were likely to arise with the Federal Government in respect to our territorial limits.

On the 27th of September last, I received by express from the Department of State at Washington City, a certified copy of two sections of an act passed by the Congress of the United States, "proposing to the State of Texas the establishment of her northern and western boundaries, and the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claim upon the United States, and to establish a Territorial Government for New Mexico."

You will perceive upon an examination of the propositions, thus submitted, (a copy of which is herewith laid before you,) that their acceptance by the State can be manifested only by an act of its Legislature ; and to make the agreement "binding and obligatory upon the United States," it is necessary that your action shall be consummated on or before the first day of December next. The importance, therefore, of assembling you in extraordinary session at as early a day as was practicable after the receipt of the authenticated copy of the two sections of the act above referred to, was so obvious to my mind that I did not hesitate a moment to issue my proclamation convoking the Legislature on the third Monday in November : which proclamation, together with the bill as transmitted to me by the Hon. Secretary of State, I caused at once to be conveyed to every portion of the



State, with the utmost despatch, by special messengers employed for that purpose.

The short period intervening between the time when these propositions reached the Executive and that in which they were to be finally acted upon by the State Legislature, would have induced me to have chosen an earlier day for your meeting, had I believed it practicable to convey the information which the propositions contained to the remote counties of the State in time to have afforded our fellow-citizens an opportunity for forming and expressing their opinions on the important subjects to be presented to you, and thus enable you, as their immediate agents, to execute their will in your legislative action upon these subjects.— This, I trust, will satisfactorily explain to your Honorable body, and to our constituents, what may have appeared to some (inattentive to, or not cognizant of, the true attitude of the subject to which your deliberations are now to be directed,) as an unnecessary delay in the time appointed for your assembling together.

It is true that there is nothing in the act of Congress embracing the propositions herein referred to which required that they should be submitted to the people at all, and from the very limited period allowed for their acceptance or rejection, such a reference does not seem to have been contemplated—the Legislature alone being required to act upon them. This feature in the bill of Congress engaged the anxious attention of the Executive, and imposed a degree of responsibility, which was cheerfully and promptly met, I trust, in a manner satisfactory to the country. In a government and country like ours, where all political power emanates directly from the people, and where their representatives and agents are only employed for a limited period to carry out their will when fairly and clearly ascertained, I could not for a moment believe that a measure of such vast importance in every point of view as the dismemberment of their State and the disposition of a large portion of it for purposes not embraced in the original organization of their government, should be acted upon without affording to the people at large an opportunity for making known their opinions and expressing their wishes upon this measure. I therefore, simultaneously with the proclamation convening the Legislature, issued another, embracing therein, word for word and letter for letter, the authenticated copy received from the Hon. Daniel Webster, Secretary of State, and by which the Chief Justices of their respective counties throughout the State were directed to cause polls to be opened at the various precincts as early as could be done after giving the



necessary notices, and at which the citizens of the State could express their sentiments as to the propriety of accepting or rejecting the propositions submitted to the State, and make those sentiments known as a guide for the action of their Representatives when assembled in their Legislative Halls.

In adopting this course I am sustained by the confidence that the citizens of our State will accord to me the justice of having respected one of the great and essential principles asserted in our Constitution, which declares that all political power is inherent in the people, and I trust that there is no member in either branch of the Honorable Legislature who will suppose that I have had any desire to control or trammel him in the free exercise of his own judgment upon this grave and important subject.

Regarding the act which you are now called upon to perform as one requiring the exercise of high sovereign powers—powers that are rarely delegated by the people, except to agents expressly chosen with reference to them, and believing it to be the desire of every member of your honorable body to carry out in the purity and spirit of our republican institutions and form of government the wishes of those by whom they have been delegated. I did not believe that I could render you a more acceptable service than by adopting a practicable, and the only practicable mode which the time permitted, of causing those wishes to be made known to you before you should be called on to act finally on a question involving such high and vital interests to the State.

To the Chief Justices of the different counties was confided the discretion of appointing the day of receiving the votes upon the propositions submitted, and I was induced to adopt this arrangement from the very limited time (much too limited) which the bill allowed the State for consideration and action. It imposed a degree of responsibility that I was assured would be promptly met, and necessarily excited vigilance in the duty required, calculated to elicit a more general expression of the popular voice. These officers were directed to make their returns of the votes cast at the polls directly to the Legislature, through the presiding officer of each respective branch, and the Executive is not therefore officially informed of the precise character of those returns. From the unofficial returns, however, which have been received, there remains but little doubt that the people of the State who have rendered their votes have decided, by a majority, for the acceptance of the propositions made by Congress, much as they repudiate some of the features, regarding



them (as I have no doubt they did) as a peace offering, which the State might receive without any sacrifice of principle or honor, and as a means of restoring that harmony of feeling and action which it is so desirable should exist between the Federal and State Governments.

Entertaining then but little doubt from the favorable expression of the popular will that the propositions made by the General Government will be accepted by your honorable body, I respectfully suggest in this anticipation, that immediately after that matter shall have been decided, some provision be made for the communication of the result to the proper authorities at Washington city, with as little delay as practicable.

It may be also necessary that the Legislature should take into consideration other matters connected with this subject, and to adopt suitable action in reference to it.—The act of Congress submitting the propositions stipulates that the United States will pay to Texas ten millions of dollars in a stock bearing five per cent interest, redeemable in fourteen years, in consideration of her relinquishment of territory, and of all claim for liability of the debts of Texas, and for compensation or indemnity for such public revenues and property as were transferred to the United States at the time of annexation; but, that no more than five millions of the stock shall be issued “until the creditors of the State holding bonds, or other certificates of stock of Texas, for which duties on imports were specially pledged, shall first file at the Treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates.”

It is to be regretted that Congress was not more specific in defining in this article, the mode of ascertaining and making known at the Federal Treasury the amount of debt for which this five millions of stock are to be retained, or had not deemed the relinquishment by the State of all liability on the part of the United States, as a sufficient guarantee; for it is manifest that the officers of the Treasury can never know except through the acts of the properly authorized officers of Texas, what is the amount of “bonds or stock” now due from the State, and “for which duties on imports were specially pledged,” and consequently can never know from any other source when the time will arrive for issuing the stock on the retained five millions. Every creditor of the State embraced in this provision might file his relinquishment at the Treasury of the United States, and still the stock would not be issued, because under the law no mode has been prescribed for the ascertainment and establishment at the Treasury of the United States the actual amount of debt for which the retained five millions stock were pledged.



We ought not to presume, nor does the language of the act require us to do so, that the General Government intended to assume the right of adjusting the liabilities of Texas, incurred whilst she possessed a separate national character and of settling with her creditors upon the terms of such an adjustment, without reference to and respect for her own acknowledgment of the extent and validity of their claims. We can only suppose that the provision to which I have adverted, was incorporated in the law as a security on the part of the United States against all liability for the payment of such legal and acknowledged claims against Texas as her transferred revenue was pledged to protect. Texas alone, can determine what those claims are, and to Texas only can they look now for their adjustment. I would therefore, recommend to the Honorable Legislature the passage of a law (if the present existing laws on this subject are not deemed sufficient) which will authorize and require the Auditor and Comptroller to make out a tabular statement of the amount for the payment of which the Custom House revenue of the late Republic was pledged, and for which the State is now justly and equitably indebted; this statement to be filed at the Treasury of the United States as evidence; and the only evidence which the State can admit of her liabilities to such creditors—and in preparing this statement, I can perceive no reason why the rule hitherto adopted for ascertaining the actual value of the debt at the time it was created, and of allowing interest thereon, should not be observed.

It was the misfortune of Texas when laboring under a greatly depressed financial condition in her struggle for independence, to enter into contracts for different objects, supposed to be beneficial to her government, embracing stipulations therein, by which the Republic was obligated in the event of a failure to comply with the contracts at maturity, to issue to the contractors bonds double the amount called for in the original contract; some of these contracts were not cancelled at the time specified, and bonds of the government for double the amount actually expended, were issued and delivered to the parties concerned and the revenues of the Republic pledged for their redemption. These bonds now constitute a very material item of the public debt of Texas, for which certificates of stock for the five millions of dollars are withheld. A feature in contracts such as these, if made between individuals, would, under the laws of most civilized countries be void for usury. The creditor in some instances would lose not only the amount of the unlawful exaction, but likewise his debt. I do not desire or intend to suggest the adoption of so stringent a rule to contracts made by governments. The government should certainly pay to its creditors the full amount of the benefits re-



ceived, and interest on the amount from the time when it should have been paid. This is all that our creditors ought in justice to require, and it is all according to the highest standard of moral ethics that we are bound to accord to them.

I would also recommend, that a law be passed requiring all creditors holding claims against the late Republic of Texas, and for which the revenues arising from impost duties were specially pledged, to file releases in favor of the United States, in respect to said claims with the Comptroller of the State within a specified time, and in default thereof, their claims upon the United States for liability of said debts growing out of the transfer of the revenue under the articles of Annexation, shall be considered as waived. Measures of this sort, it occurs to me, are absolutely necessary for a settlement with the Treasury of the United States within any reasonable time of the amount which under the act referred to is to be retained as a security against these claims.

In what manner the State shall dispose of the five millions of dollars, for which certificates of stock will be issued and placed at its control as soon as notice is given of the acceptance of the propositions, presents a subject, it occurs to me, of too much importance to the future prosperity and advancement of the country, to be acted upon by the Honorable Legislature at its present session. It is one which will require much reflection and deliberation, not only on the part of the Representatives of the people, but the people themselves whose interests are to be so materially affected, should have an opportunity of bestowing upon it deep and matured thought, before a plan can be indicated which is most likely to secure to the State all the practical advantages to be derived from the acceptance of the propositions now before you. Up to the present period, the citizens of the country have had no means of forming or expressing their opinions in reference to it, and it occurs to me, that their Representatives who were not chosen with any view to act upon a question of so much importance, and who have had but little opportunity of acquiring a knowledge of their will in regard to it, will not be disposed to precipitate measures which might not meet the approbation of their constituents, and the delay of which can result in no injury to the State.

There is to be superadded to this, the consideration that the agitation of this subject at your present session will, from the great diversity of opinions no doubt existing in reference to it, elicit long and labored discussions, protracting the session and necessarily creating a heavy draft on the Treasury already in a



feeble and exhausted state. Though secondary in importance, this objection is not without its force and validity, for the disturbing incidents of the last year have made our State prolific in Legislative bodies, causing a heavy drain upon the Treasury; and it now becomes an important desideratum in our political economy to restrict the action of the one in order to curtail the exhausting drafts upon the other; besides the progressive and healthful condition of affairs of the State generally affords ample and satisfactory evidence that its prosperity is not likely to be materially retarded for want of legislative action.

By holding on to the stock for the present, the interest accruing from it would be more than sufficient to meet the immediate and pressing demands upon the Government and the members of another Legislature would assemble better prepared after the subject has been discussed throughout the country to make such ultimate disposition of the amount referred to, as would be most conducive to the public weal.

I have therefore no recommendation to make to your honorable body other than that the disposition of the funds be postponed for the action of a future Legislature.

In adopting these suggestions, my mind has been directed chiefly to measures promotive of the general good, without for a moment losing sight of the wishes and interest of our creditors. In disposing of the five millions of stock, the delay which I have proposed is not with a view to disparage any just or equitable claim. An honest payment of the public debt and a rigid preservation of the public faith embraces in my humble judgment a principle too sacred ever to be disregarded, certainly ever to be abandoned, by those intrusted with the faith, integrity and stability of our State government: but individual interest must, under the circumstances, yield to the public weal. An important portion of the public debt yet remains to be ascertained, and by existing laws the creditors are allowed until September next to file their claims with the Auditor and Comptroller for adjustment. These claims, (if immediate action be taken,) the Legislature cannot be properly prepared for; when by the delay proposed until the meeting of the Legislature at its regular session, the entire public debt will have been ascertained, and legislative action can then be based upon a thorough knowledge of the subject.

Within the last year, gentlemen, you have been thrice assembled, and upwards of four months within that period have been employed by you in legislative action, subjecting you to much personal inconvenience and trouble, and the State to an expenditure which she is badly prepared to meet, and you will, I am sure,



pardon me for suggesting that neither the public interest demands nor will the constitution nor the general sentiment of the country sanction that your labors at the seat of government be prolonged at this time beyond a very reasonable period after you shall have completed the work for which you have been specially assembled; and in this view the Executive does not desire to engage the attention of your Honorable Body with any subject disconnected with the grave and important question upon which you are now called to act.

I invoke for your Honorable Body in conducting the public councils, a spirit of kindness, courtesy, and conciliation, commensurate with your high position and the sacred trust confided to you; and I sincerely hope that the result of your labors may by the decision of after times prove to have been for the happiness and prosperity of our State, and that you may return to the bosom of your constituents with the inward approbation of having faithfully discharged your duties to the State, and receive from them the highest tribute awarded to public servants,—the warm greetings and plaudits of their fellow-citizens.

P. H. BELL.

On motion of Mr. Parker, the Senate returned to their chamber.

Mr. Wallace offered the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of appropriating as a perpetual school fund, one million of dollars in United States bonds, and the sum of three hundred thousand dollars of the first and second semi-annual instalments of interest that will accrue upon the bonds of the United States; and that said committee report as early as practicable.

Mr. Moffett offered the following resolution:

*Resolved*, That no business be entertained at this extra session of the Legislature, save such as may be connected with the acceptance of the proposition made by the General Government to the State of Texas for the purchase of a portion of our north-western territory, or some bill growing out of the same.

Mr. Brashear offered the following resolution:

*Resolved*, That the committee on Printing be authorized and requested to contract with ————, for one thousand copies of the Governor's message, for the use of the Senate.

On motion of Mr. Portis, the rule was suspended. Resolution read and adopted.

Mr. Van Derlip offered the following resolution:

*Resolved*, (the House of Representatives concurring) That the Legislature will adjourn sine die on Monday, the 2d day of December ensuing.



A message was received from the House of Representatives, through their Chief Clerk, informing the Senate, that the House had appointed Messrs. Williams, Runnels, McKiuney, Stapp, Stewart and Polk, a committee on the part of the House, to whom shall be referred that portion of the Governor's Message relating to the sale of territory, and request the appointment of a like committee on the part of the Senate.

Mr. Wallace moved that a committee of five be appointed on the part of the Senate, to act with the above named committee of the House; Messrs. Wallace, Grimes, Gage, Van Derlip and Kinney, were appointed said committee.

On motion of Mr. Parker, that portion of the Governor's Message relating to the sale of territory, was referred to the above named joint committee.

On motion of Mr. Wallace, the bill introduced by him, was taken up, rule suspended, read second time, and referred to the same joint committee.

On motion of Mr. Grimes, the bill introduced by him, was taken up, rule suspended, read second time, and referred to the same joint committee.

On motion of Mr. Truit, the bill introduced by Mr. Gage, was taken up, rule suspended, read second time and referred to the same committee.

On motion of Mr. Campbell, the Senate adjourned until three o'clock, p. m.

THREE O'CLOCK, P. M.

Senate met—quorum present.

On motion of Mr. Wallace, Senate adjourned until ten o'clock, to-morrow morning.

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WEDNESDAY, November 20, 1850.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Brashear, Cooke, Campbell, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace.

The journals of yesterday were read and adopted.

Mr. Hart presented the petition of Robert Shaw, which was on motion of Mr. Hart, referred to the committee on Private Land Claims.